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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,399	02/15/2002	Shinichi Matsumoto	03500.016189	7211

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EXAMINER

ALAM, SHAHID AL

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 08/12/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,399

Applicant(s)

MATSUMOTO, SHINICHI

Examiner

Shahid Al Alam

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1 – 28 are pending in this Office action.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 8 May 2002 was filed after the mailing date of the instant application on 15 February 2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 13, 15, 16, 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,774,803 issued to Kazuo Kariya ("Kariya").

With respect to claims 1, Kariya teaches a personal digital assistant (PDA) device for receiving service information from a service information distribution device (see abstract), comprising:

sending means for sending use information of a user using said personal digital assistant device intermittently to be added to a history database managed by said service information distribution device; and receiving means for receiving the service information selected by said service information distribution device on the basis of history of the use information stored in said history database, from said service information distribution device (column 2, lines 49 – 56, column 3, lines 11 – 15 and 39 – 45).

As to claim 3, sends use information requested by said service information distribution device to be sent (column 2, lines 62 – 66).

As to claim 4, displaying the service information received by said receiving means (column 3, lines 11 – 15).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5 – 12, 14, 17 – 24, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,774,803 issued to Kazuo Kariya ("Kariya") and in view of U.S. Patent Number 6,321,158 issued to David DeLorme et al. ("DeLorme").

With respect to claim 2, Kariya teaches claimed invention substantially as claimed including regional information and zone information. Kariya does not explicitly teach the use information includes positional information of said personal digital assistant device as claimed.

DeLorme discloses claimed use information includes positional information of said personal digital assistant device (column 14, lines 41 – 45 and Fig 1A4).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine DeLorme with Kariya to provide a new integrated routing/mapping information system (IRMIS) capable of enabling the mating and cooperation between desktop and handheld devices, including the automatic updating of related database whenever the desktop PC and handheld PDA link together (column 4, lines 21 – 26; DeLorme).

With respect to claim 5, Kariya teaches a service information distribution device for distributing service information to a personal digital assistant device (see abstract), comprising:

receiving means for receiving use information of a user intermittently from said personal digital assistant device (column 3, lines 3 – 13);

storing means for storing the received use information in a history database as history data (column 3, lines 39 – 43).

With respect to claim 5, Kariya teaches claimed invention substantially as claimed including for receiving use information of a user intermittently (periodically) from

said personal digital assistant device. Kariya also teaches a regional information center for transmit (distribute) information (see column 2, lines 49 – 56). Kariya does not explicitly teach selecting service information to be distributed to said personal digital assistant device as claimed.

DeLorme discloses claimed selection means for selecting service information to be distributed to said personal digital assistant device on the basis of the use information stored in said history database; and distribution means for distributing the service information selected by said selection means to said personal digital assistant device (column 6, lines 50 – 63; DeLorme).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine DeLorme with Kariya to provide a new integrated routing/mapping information system (IRMIS) capable of enabling the mating and cooperation between desktop and handheld devices, including the automatic updating of related database whenever the desktop PC and handheld PDA link together (column 4, lines 21 – 26; DeLorme). Since, Kariya's database of the regional information center serves a plurality of base station, it would have been obvious to combine to simplify the management and to reduce the cost of the regional information system (see column 8, lines 9 – 12; Kariya).

As to claim 6, the use information includes positional information of said personal digital assistant device (column 14, lines 41 – 45 and Fig 1A4; DeLorme).

As to claim 7, selects service information regarding a zone by discriminating the zone having high frequency of drop by on the basis of the history data regarding the positional information (column 2, lines 53 – 62; Kariya).

As to claim 8, the service information includes congestion degree information (column 1, lines 59 – 61 and column 3, lines 21 – 28; Kariya).

As to claim 9, the service information includes at least one of information regarding sale of an article, advertisement distribution, reservation, hall guidance, opening of an event and an attraction, suitable for said personal digital assistant device (column 5, lines 8 – 11; DeLorme).

As to claim 10, distributes the selected service information in response to request from said personal digital assistant device (column 6, lines 50 – 53; DeLorme).

As to claim 11, distributes selected positional information of another personal digital assistant device in response to request regarding positional information of said another personal digital assistant device from said personal digital assistant device (column 6, lines 50 – 61 and column 72, lines 20 – 38; DeLorme).

As to claim 12, history database also stores accounting information for the user (column 2, lines 17 – 28; Kariya).

Claims 13 – 16 are essentially the same as claims 1 – 4 except that it set forth the claimed invention as a control method for controlling a PDA rather than a PDA for receiving service and rejected for the same reasons as applied hereinabove.

Claims 17 – 24 are essentially the same as claims 5 – 12 except that it set forth the claimed invention as a control method for controlling a service information rather than a service information distribution device and rejected for the same reasons as applied hereinabove.

Claim 25 is essentially the same as claims 1 – 4 except that it set forth the claimed invention as a control program rather than a PDA for receiving service and rejected for the same reasons as applied hereinabove.

Claim 26 is essentially the same as claims 5 – 12 except that it set forth the claimed invention as a control program rather than a service information distribution device and rejected for the same reasons as applied hereinabove.

Claim 27 is essentially the same as claims 1 – 4 except that it set forth the claimed invention as a storing medium rather than a PDA for receiving service and rejected for the same reasons as applied hereinabove.

Claim 28 is essentially the same as claims 5 – 12 except that it set forth the claimed invention as a storing medium rather than a service information distribution device and rejected for the same reasons as applied hereinabove.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (703) 305-2358. The examiner can normally be reached on Monday-Thursday 8:00 A.M. - 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shahid Al Alam
Primary Examiner
Art Unit 2172

8 August 2004